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9 Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO,  
10 AND PAUL MIYAMOTO, IN HIS OFFICIAL  
CAPACITY AS SAN FRANCISCO SHERIFF  
11

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 JOSHUA SIMON, DAVID BARBER, AND  
JOSUE BONILLA, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
16 SIMILARLY SITUATED, DIANA BLOCK,  
AN INDIVIDUAL AND COMMUNITY  
17 RESOURCE INITIATIVE, AN  
ORGANIZATION,

18 Plaintiffs,

19 vs.

20 CITY AND COUNTY OF SAN  
21 FRANCISCO, PAUL MIYAMOTO, IN HIS  
OFFICIAL CAPACITY AS SAN  
22 FRANCISCO SHERIFF,

23 Defendants.  
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Case No. 4:22-cv-05541 JST

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER**

Hearing Date: August 26, 2025  
Time: 2:00 p.m.  
Place: Courtroom 6, 2d Floor

1 Plaintiffs Joshua Simon, David Barber, and Josue Bonilla (together, “Plaintiffs”) and  
2 Defendants City and County of San Francisco and Paul Miyamoto (together, “Defendants,” and  
3 together with Plaintiffs, the “Parties), by and through their respective undersigned counsel of record,  
4 hereby stipulate as follows:

5 WHEREAS, on February 26, 2024, Defendants appealed a preliminary injunction (the  
6 “Preliminary Injunction”) issued by this Court in *Joshua Simon v. City and County of San Francisco*,  
7 No. 4:22-cv-5541-JST (N.D. Cal.) (the “Federal Action”), and that appeal was docketed as *Joshua*  
8 *Simon v. City and County of San Francisco*, No. 24-1025, in the Ninth Circuit (the “Appeal”);

9 WHEREAS, Defendants appealed to the Ninth Circuit this Court’s order on Plaintiffs’ motion  
10 to enforce the Preliminary Injunction, and plaintiffs in the Federal Action moved to dismiss the appeal,  
11 *see Joshua Simon v. City and County of San Francisco*, No. 24-6052 (9th Cir.) (the “Second Appeal”);

12 WHEREAS, on April 23, 2025, the Ninth Circuit affirmed in part and vacated in part the  
13 Preliminary Injunction in the Appeal, denied the motion to dismiss the Second Appeal, and granted  
14 Defendants’ motion to stay in the Second Appeal, *Simon v. City and County of San Francisco*, 135  
15 F.4th 784 (9th Cir. 2025) (the “Appeal Order”);

16 WHEREAS, on May 7, 2025, plaintiffs in the Federal Action petitioned the Ninth Circuit for  
17 panel rehearing and rehearing en banc as to the Appeal Order;

18 WHEREAS, on May 30, 2025, the Ninth Circuit denied the petition for panel rehearing and  
19 rehearing en banc and the mandate issued thereafter in the Appeal and Second Appeal;

20 WHEREAS, on June 10, 2025, the Court issued an order scheduling a case management  
21 conference for July 15, 2025 (subsequently re-scheduled to August 26, 2025); and

22 WHEREAS, in light of the Ninth Circuit’s ruling, the Parties are currently discussing potential  
23 resolution of this action.

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To preserve the Parties' and this Court's resources, the Parties HEREBY STIPULATE AND AGREE and jointly request that the Court continue the Case Management Conference to September 30, 2025 at 2:00 p.m., or at such other date and time as is convenient for the Court.

Dated: August 19, 2025

DAVID CHIU  
City Attorney  
JENNIFER E. CHOI  
Chief Trial Deputy  
ALEXANDER J. HOLTZMAN  
JOSE A. ZELIDON-ZEPEDA  
Deputy City Attorneys

By: /s/ Jose A. Zelidon-Zepeda  
JOSE A. ZELIDON-ZEPEDA

Attorneys for Defendants

CITY AND COUNTY OF SAN FRANCISCO,  
AND PAUL MIYAMOTO, IN HIS OFFICIAL  
CAPACITY AS SAN FRANCISCO SHERIFF

Dated: August 19, 2025

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN CALIFORNIA, INC.

By: \*/s/ Avram Frey  
AVRAM FREY

Attorneys for Plaintiffs

JOSHUA SIMON, DAVID BARBER, AND JOSUE  
BONILLA, INDIVIDUALLY AND ON BEHALF OF  
ALL OTHERS SIMILARLY SITUATED, DIANA  
BLOCK, AN INDIVIDUAL AND COMMUNITY  
RESOURCE INITIATIVE, AN ORGANIZATION

*\*Pursuant to L.R. 5-1(h)(3), the electronic signatory  
attests that each of the other Signatories have concurred  
in the filing of this document.*

**[PROPOSED] ORDER**

Based on the parties' stipulation, and for good cause appearing, the Court VACATES the case management conference set for August 26, 2025 at 2:00 p.m., and RESETS the case management conference for September 30, 2025 at 2:00 p.m. Case management statements are due by September 23, 2025.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JON S. TIGAR  
United States District Judge